



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, APRIL 2, 2003

AMENDED AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 2

2.

EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Case Name/Number: Santa Teresa Citizen Action Group et al. v. California Energy Commission (California Third District Court of Appeals, C041090); Santa Teresa Citizen Action Group et al. v. Hearing Board of the Bay Area Air Quality Management District (San Francisco Superior Court, CPF-02-50164); Santa Teresa Citizen Action Group et al. v. Calpine Corporation (Ninth Circuit Court of Appeals, 01-701611).

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Legal Authority: Government Code Section 54965.9(a)
Case Name: Santa Clara Valley Audubon Society v. City of Morgan Hill
Case No.: Santa Clara County Superior Court, No. CV 815655
Attendees: City Council, City Manager, City Attorney

4.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority: Government Code Section 54956.8
Property: APN 726-15-069, located on the west side of Butterfield Boulevard, 1200 feet south of Main Avenue.
Agency Negotiators: City Manager
Parties: Valley Transportation Agency (VTA)
Under Negotiation: Price, Terms of Payment

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Retired Reserve Officer Sam Leyva
Mark Brazeal

RECOGNITIONS

Community and Cultural Center Grand Opening Day Committee Chairpersons
Daryl Manning, Sheryll Bejarano, Irma Torrez, Jay Jaso, Rosemary Rideout, Lorraine Welk,
Youth Advisory Committee, Alisha Simms, Lanae Bach, Lorraine Welk, Laura Brunton, Mitch Mariani,
Chiquy Schoenduve, Nancy Harris, Sharon Leonard, William Keig, Wes Rolley, Sue Woolsey, Bob Snow
Julie Spier

CITY COUNCIL REPORT

Council Member Carr

COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1 - 8

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

1. **APPROVAL OF CONSULTANT AGREEMENT TO PROVIDE DESIGN FOR THE 2002-2003 PAVEMENT RESURFACING PROJECT**..... 1
Recommended Action(s):
 1. **Approve** Consultant Agreement with Harris and Associates to Provide Design Services for the FY 2002-2003 Pavement Resurfacing Project; and
 2. **Authorize** the City Manager to Execute the Agreement Subject to Review and Approval by the City Attorney.
2. **APPROVE FINAL MAP FOR MORGAN LANE PHASE II (TRACT 9474)**..... 7
Recommended Action(s): **Authorize** the Recordation of the Map Following Recordation of the Development Improvement Agreement.
3. **AWARD CONTRACT FOR CONSTRUCTION OF BUTTERFIELD BOULEVARD – PHASE IV IMPROVEMENTS PROJECT**..... 11
Recommended Action(s): **Award** Contract to Granite Rock Company, dba Pavex Construction Division, for the Construction of Butterfield Boulevard – Phase IV Improvements Project in the Amount of \$3,496,410.
4. **AWARD OF CONTRACT FOR MODIFICATION OF LIFT STATION B SEWAGE PUMP STATION**..... 15
Recommended Action(s): **Award** Contract to Trinet Construction, Inc. for the Construction of Modification of Life Station B Sewage Pump Station in the Amount of \$448,000.
5. **VACATION OF A PORTION OF A STORM DRAIN EASEMENT ON LOT 45, TRACT NO. 7679** 19
Recommended Action(s):
 1. **Adopt** Resolution No. 5663 Declaring Summary Vacation of a Portion of a Storm Drainage Easement on Lot 45, Tract No. 7679, 1180 Castle Lake Circle; and
 2. **Direct** the City Clerk to File a Certified Copy of the Resolution in the Office of the County Recorder of the County of Santa Clara.
6. **TEMPORARY COUNCIL ASSIGNMENT TO MORGAN HILL COMMUNITY HEALTH FOUNDTION (MHCHF) AND APPOINTMENT OF MAYOR AS ALTERNATE TO THE SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY (SCRWA)**..... 27
Recommended Action(s):
 1. **Approve** Temporary Change in Council Assignment to the MHCHF; and
 2. **Approve** Mayor’s Appointment as an Alternate to SCRWA.
7. **ADOPT ORDINANCE NO. 1611, NEW SERIES**.....29
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1611, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING ORDINANCE NO. 559 NEW SERIES, BY ZONING PROPERTIES IN VARIOUS LOCATIONS THROUGHOUT THE CITY TO MAINTAIN CONSISTENCY WITH THE GENERAL PLAN. (ZA-02-21: CITY OF MORGAN HILL-AMENDMENT OF ZONING MAP).
8. **APPROVE MINUTES OF SPECIAL CITY COUNCIL MEETING OF MARCH 19, 2003**..... 45

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 9

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	Consent Calendar: 1 - 10 Minutes	
9.	<u>AUTHORIZATION TO APPLY FOR AND ACCEPT A CalHFA HELP LOAN FOR HOUSING PROJECTS</u>	47
	<u>Recommended Action(s):</u>	
1.	<u>Adopt</u> Resolution No. MHRA-243 authorizing the Executive Director to apply to the California Housing Finance Agency (CalHFA) "Help" Program for a Loan of up to \$1 million dollars; and	
2.	<u>Direct</u> the Executive Director to do Everything Necessary to Execute the Loan with CalHFA, if Awarded.	

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 10

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	Consent Calendar: 1 - 10 Minutes	
10.	<u>APPROVE MINUTES OF SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING OF MARCH 19, 2003</u>	51

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
11.	75 Minutes	<u>ZONING AMENDMENT APPLICATION, ZA-02-18:COCHRANE – IN-N-OUT BURGER/APPLEBEE'S</u>	83
		Public Hearing Re-Opened. (Continued from March 19, 2003) Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion.	
		Action- <u>Approve</u> Mitigated Negative Declaration.	
		Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Enacting <u>Planning Commission Recommendation</u> Approving Zoning Amendment to approve both restaurants.	
		Action- <u>Motion to Introduce</u> Ordinance Enacting <u>Planning Commission Recommendation</u> by Title Only. (Roll Call Vote)	
		<u>OR</u> Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Enacting <u>Staff Recommendation</u> to approve 5,000-6,500 Square Foot Sit Down Restaurant and Deny the Drive-Thru Fast Food Use.	
		Action- <u>Motion to Introduce</u> Ordinance Enacting <u>Staff Recommendation</u> by Title Only. (Roll Call Vote)	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
12.	10 Minutes	<u>CITY DIVERSION RATE</u>	125
		<u>Recommended Action(s):</u> <u>Provide</u> Direction to Staff.	
13.	10 Minutes	<u>ORDINANCE DELETING THE PERSONNEL COMMISSION</u>	137
		<u>Recommended Action(s):</u>	
		1. <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1613, New Series; and	
		2. <u>Motion to Introduce</u> Ordinance No. 1613, New Series by Title Only. (Roll Call Vote)	
14.	15 Minutes	<u>REVIEW OF DRAFT EIR FOR THE MORGAN HILL COURTHOUSE</u>	143
		<u>Recommended Action(s):</u>	
		1. <u>Receive</u> Public Comments on the Draft EIR; and	
		2. <u>Provide</u> Comments to Staff for Assessment in the Final EIR.	
15.	15 Minutes	<u>MEASURE P UPDATE – STATUS</u>	151
		<u>Recommended Action(s):</u>	
		1. <u>Review</u> Proposed Amendments; and	
		2. <u>Provide</u> Comments to Committee by Minute Action.	
16.	10 Minutes	<u>IDENTIFY DATES TO CONDUCT IDENTIFIED WORKSHOP TOPICS AND INTERVIEW VARIOUS BOARDS AND COMMISSIONS</u>	159
		<u>Recommended Action(s):</u>	
		1. <u>Select Dates</u> to Conduct City Council Workshops; and	
		2. <u>Select Dates</u> to Conduct Board and Commission Interviews.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT